

SUPREME COURT OF DELAWARE

Teague v. Kent General Hospital

962 A.2d 918 (Del. 2008) · No. No. 483, 2007 · Decided November 13, 2008

SUMMARY

The Delaware Supreme Court affirmed the Superior Court's judgment as a matter of law in a medical malpractice action arising from Gloria Teague's death. The court held that the defendant timely challenged the plaintiff's medical expert's competency to testify regarding the applicable family-practice standard of care and that the trial judge did not abuse his discretion by denying telephonic voir dire to rehabilitate the expert.

CASE DETAILS

COURT	Supreme Court of Delaware
WRITING FOR THE COURT	Steele, Chief Justice; Holland, Justice; Jacobs, Justice
JURISDICTION	Delaware
DECIDED	November 13, 2008
DOCKET	No. 483, 2007
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from the Superior Court's denial of the plaintiff's motion for a new trial and motion for reargument after the trial court granted the defendant's motion for judgment as a matter of law in a medical malpractice action.
STANDARD OF REVIEW	Judgments as a matter of law are reviewed de novo. Decisions to admit or exclude expert testimony, including determinations of an expert's competency, are reviewed for abuse of discretion.
PRECEDENTIAL VALUE	Published Delaware Supreme Court opinion; precedential.
PARTIES	Herbert M. Teague, Sr., et al., individually and as administrator of Gloria Teague's estate v. Kent General Hospital, et al., Dr. Henry Isiocha

TOPICS

- medical malpractice
- professional negligence
- expert testimony
- evidence
- appellate procedure

PRACTICE AREAS

medical malpractice

health law

evidence

civil procedure

appellate procedure

QUESTIONS PRESENTED

1. Whether Dr. Isiocha timely moved for judgment as a matter of law based on Dr. Siegal's failure to establish competency to testify regarding the standard of care applicable to a family practice physician.
2. Whether the trial court abused its discretion by denying Teague's request to conduct a telephonic voir dire to rehabilitate Dr. Siegal after the close of Teague's case.

HOLDINGS

1. The defendant's motion for judgment as a matter of law was timely because the alleged deficiency in Dr. Siegal's competency became apparent during his trial testimony, and the procedural rules did not require the defendant to raise the issue before or during that testimony.
2. The trial court did not abuse its discretion by refusing to permit Teague to conduct a telephonic voir dire of Dr. Siegal after the close of the case.
3. The plaintiff could not establish the alleged breach of the applicable standard of care and causation without competent expert medical testimony addressing the standard applicable to the defendant family physician; the judgment as a matter of law was therefore proper.

KEY QUOTATIONS

"A motion for judgment as a matter of law is proper when "there is no legally sufficient evidentiary basis for a reasonable jury to find for [the plaintiff] on that issue.""

"The trial judge did not act arbitrarily or capriciously by declining to hear additional evidence by telephone concerning Dr. Siegal's competency to opine on the applicable standard of care."

FACTUAL BACKGROUND

Gloria D. Teague presented to Kent General Hospital with chest pain, shortness of breath, and diaphoresis, was discharged, and was instructed to follow up with her family physician. Four days later, she saw Dr. Henry Isiocha, who admitted her to the hospital for dehydration; she died several hours later from a myocardial infarction. Teague relied on Dr. Michael Siegal, an internist and cardiologist, to establish the applicable standard of care and causation, but Siegal testified that he was not an expert on family practice or emergency-room issues.

PROCEDURAL HISTORY

Teague brought a medical malpractice action arising from Gloria D. Teague's death. At trial, the Superior Court concluded that Teague's medical expert, an internist and cardiologist, had not established that he was competent to testify regarding the standard of care applicable to a family practice physician, and therefore granted Dr. Isiocha's motion for judgment as a matter of law. The Superior Court denied Teague's motions for a new trial and reargument and granted the defense motion for costs. The Delaware Supreme Court affirmed.

DISPOSITION

affirmed

CASES CITED

- Whittaker v. Houston, 888 A.2d 219, 224 (Del. 2005)
- Sammons v. Doctors for Emergency Servs., P.A., 913 A.2d 519, 535 (Del. 2006)
- Bush v. HMO of Delaware, Inc., 702 A.2d 921, 923 (Del. 1997)
- Russell v. Kanaga, 571 A.2d 724, 732 (Del. 1990)
- AMI Sebastian Hall v. Radnich, 2000 WL 1211279, at *6 (Del. Super.)
- Bowen v. E.I. DuPont de Nemours & Co., 906 A.2d 787, 794 (Del. 2006)
- Re v. State, 540 A.2d 423, 426 (Del. 1988)